

**REMARKS/ARGUMENTS**

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-6 are presently active; Claims 7-15 has been withdrawn by a Restriction Requirement, and Claims 1, 2, 5, and 6 have been amended by the present amendment. No new matter has been added.

In the outstanding Office Action, Claims 1-6 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-8 of U.S. Pat. No. 6,516,069. Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by Boeckman (U.S. Pat. No. 4,518,829). Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Boeckman in view of Papadopoulos (U.S. Pat. No. 6,580,797). Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Boeckman in view of Papadopoulos and further in view of Weber (U.S. Pat. No. 4,491,972). Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Boeckman in view of Papadopoulos and further in view of Takada (U.S. Pat. No. 4,255,716). Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Boeckman in view of Papadopoulos and further in view of Van Der Plaats (U.S. Pat. No. 3,810,032). Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Boeckman in view of Papadopoulos and further in view of Akino (U.S. Pat. No. 6,453,048). Finally, Applicant invites examiner's attention to the fact that a Request for Continued Examination under 37 C.F.R. § 1.114, not continued prosecution under 37 C.F.R. § 1.53(d), was filed on April 6, 2005.

The microphone unit of the present invention includes an external capacitor (illustrated for example in Applicant's Figure 1 by component CX). The external capacitor has a first capacitor electrode to which the amplified voltage from the transistor amplifier is

applied through the at least one operational amplifier, and has a second capacitor electrode connected to the first electret electrode of the electret capacitor off ground.

Applicant respectfully submits that Boeckman does not show an external capacitor having a first capacitor electrode in which amplified voltage from a transistor amplifier is applied through an operational amplifier, as defined in Claim 1. The capacitor identified in Boeckman by the outstanding Office Action as an external capacitor (i.e. component C1) is connected directly to the output of the transistor amplifier Q1 with no intervening amplifier, and furthermore is not an external capacitor.

Namely, Boeckman does not show the external capacitor as defined in Claim 1. Although one electrode of capacitor C1 of Boeckman is connected to one electrode of the electret capacitor M1, the other electrode of the capacitor C1 is not connected to amplifier output terminals of either the operational amplifier 100 or the transistor Q1. Rather, the other electrode is merely grounded to the terminal R.

Regarding Papadopoulos, while Papadopoulos may show an electret capacitor C1, the external capacitor defined in Claim 1 is not shown in Papadopoulos because there exists no path for feeding back to either electrode of the electret capacitor C1. Furthermore, there exist in Papadopoulos no capacitor in the path.

Accordingly, even though Papadopoulos is applied to Boeckman, the invention defined in Claims 1 and 2 is not achieved, and thus the outstanding rejection under 35 USC § 103 to Claims 1 and 2 and the claims dependent from Claims 1 and 2 is improper and should be removed.

For all the above-noted reasons, it is respectfully submitted that Claim 1 and the claims dependent therefrom patentably define over the applied prior art.

Finally, regarding the double patenting rejection as being unpatentable over Claims 1-8 of U.S. Pat. No. 6,516,069, Applicant submits that, given the present clarifications, the

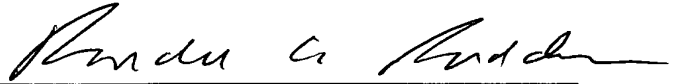
presently pending claims are not obvious in view of Claims 1-8 of U.S. Pat. No. 6,516,069. For instance, independent Claims 1 and 2 in that patent define a constant current source connected to a first current electrode and a control electrode of a second transistor such that a constant current of a same value as an output current from the constant current source flows both between the first and second current electrodes of the second transistor and between the first and second current electrodes of the first transistor thereby forming a current mirror circuit. In order for the double patent rejection to be proper, it would have to have been obvious to remove the claimed current source and then to provide the connections as defined in the presently pending claims through the operational amplifiers to the electret electrode removed from ground. Yet, the output of the operational amplifiers shown in U.S. Pat. No. 6,516,069 merely provide as shown in Figure 1 an output to the microphone defined therein. Thus, U.S. Pat. No. 6,516,069 teaches away from the present invention and only by impermissible hindsight reconstruction would it have been obvious to make such removal and modifications to U.S. Pat. No. 6,516,069.

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Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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